

Ernesto Santiago
Plaintiff

Civil Action No: 04-335E

V.

United States of America
Defendant

Judge McLaughlin
Magistrate Judge Baxter

Notice And Appeal

Notice of Appeal as To CMJSPPB 11/16/05's Ruling and
Motion appealing 11-16-05 decision

Now Comes Ernesto Santiago and appeals Judge Baxter's
decision Via-Telephone hearing of 11/16/05

Plaintiff Appeals your honors decision
and makes Several Arguments and relies on the facts
of his Prior motion and The New facts That plaintiff
has Been placed in Segregation for filing a Complaint
against Medical Staff at McKean. It is Evident That
plaintiff has Numerous Complaints in This Court But
when Staff See plaintiffs Docket sheets, motions, etc.
They only See as follows:

Ernesto Santiago

V.

CANo: 04-335

U.S.A.

Ernesto Santiago

V.

CANo: 05-29

James F. Sherman

RECEIVED

NOV 28 2005

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

Ernesto Santiago

V.

CANo: 05-153

James F. Sherman

#2

and

Ernie Santiago
v.

civil case No: 01-CV-391E
3rd Cir No: 02-4056

John LaManna, Warden of the Federal Correctional
Institute, McKean

All The more To Label me a "Complainer", another "Nwanze",
"The prison Lawyer" and engage in Ways of Retaliation
Towards me. Only This Court and one who Truly Under-
stands The Law and The procedure can See That all
four mentioned Cases are distinct But Unique.

CA-No: 01-391E: dealt with a Vacated prior I was
enhanced For.

CA-No: 05-29E: dealt with ("good Time", a 54 day a year
issue) I was challenging.

CA-No: 05-153E: deals with an Institution policy That's
been Taken To an extreme in The Conf-
iscation of Trial, Sentencing and hearing
Transcripts, PSI's, J&C's and McKean
Determining what you Can and Can't have.

CA-No: 04-335E: plaintiffs Medical Case and This is
The Case That has "Stirred many
Emotions" here at McKean. Has staff
following suit in Thinking I Truly am a
"Complainer", when plaintiff has a right To
file Complaints on Issues Such as he
has.

#3

Plaintiff Wants your honor To Know That The Defendant contends I alleged I'm being Retaliated against and my evidence is alleged as follows (Para. 1, 2, 3, 4 on page #2) of Mr. Skirtich's Defendants Response in Opposition To Plaintiffs Motion for Reconsideration, but Plaintiff wants your honor To Know it is more Than This That plaintiff can show as evidence but the facts or Documentation are Not available and plaintiff knows and understands if he has No Written Documents or Proof Than This Court is Less Likely To Take him serious of his allegations.

Plaintiff would like your honor To Know with No disrespect intended But the Defendant on page #6 of (mentioned Response) Speaks of how I filed 36 Remedies But what Defendant forgets To Tell The Court is That 19 out of The 36 Remedies are actually 6 and I was in general population at This Time, where it is easier To file administrative Remedies. The other 17 Remedies or shall I say 10 are The ones I have filed Since I have been in Segregation Since 3/10/05. Some of These 36 Remedies or Better Said "16" have either Been accepted or forwarded for appropriate disposition. The defendant forgets To explain That Some of These 16 Remedy Numbers Triple or even quadruple in Defendants "Administrative Remedy Generalized Retrieval" as Exhibit #3.

Plaintiff Wants your honor To Know he feels as if Defendant is Trying To make plaintiff Look as a liar or maybe he himself is Trying To deceive

#4

The Court in a Very Unprofessional Way.

Plaintiff would like to just address several other issues as the Defendant has relied on to make his determination but plaintiff will simply make one request of your honor as plaintiff will seek legal redress in another law suit.

Plaintiff wants to address page #9 and page #13 of Defendant's response because he will definitely follow up on these declarations of both Mr. Flatt and Ms. Tronetti.

Plaintiff wants this court to know that the declaration of Dennis Flatt is not accurate and he lied on page #2 where he said he didn't "refuse my request to make photocopies of my documents". In plaintiff's Exhibit A (Exhibits are not enclosed due to not seeing anyone to copy them) I complained per inmate request to staff that Mr. Flatt wouldn't copy my papers as I needed them for court. This was returned to me on 9/19/05 signed by M. Recktenwald. Other inmate request to staff went unanswered or never returned.

Plaintiff also wants your honor and this court to know that Ms. Deanna Tronetti's declaration is not accurate and she also lied on page #2 numbers 3, 4. I'll focus on #4 which is more important in this matter. To the contrary about what Ms. Tronetti said or better yet "lied" in her declaration. Myself and Ms. Tronetti had a scheduled appointment in order for me to make a phone call to talk to my attorney John Bies.

#5

(Exhibit B) which is the reason Ms. Tronetti was in the SHU on this day. Assuming Arguendo Ms. Tronetti was in the SHU making her rounds or fulfilling part of her Unit Manager responsibilities, what was I plaintiff doing in the Recreational Room with @ 2 1/2 pounds of Legal Mail. (See Exhibit C) Inmates are Not allowed to go to Recreation with anything except proper attire.

Plaintiff understands he cannot just file different types of motions as he has filed a FTCA Complaint in this matter and was lectured about this by Magistrate Judge Baxter.

Plaintiff is pro-se and ask to be excused for his unintentional acts. Plaintiff does however want your honor and this court to know that what I am complaining about is true, "I am being retaliated against by staff."

Plaintiff simply ask this court your honor to issue a (preliminary injunction, TRO or some type of order) to assure that plaintiff is better guarded by those staff who follow directives from higher authority and to stop the different types of retaliations that keep occurring.

Respectfully Submitted,
Pro-Se, Ernesto Santiago
11-24-05

~~#6~~

Certificate of Service

I Certify That on November 24, 2005 I
Mailed Via First Class, Prepaid an Original
and Copy of: Notice and Appeal, Notice of appeal
as To CMJSPB 11/16/05's Ruling and Motion appealing
11-16-05 decision. To: Clerk of Court
P. O. Box 1820
Erie, PA 16507

U.S. Department of Justice
United States Attorney
U.S. Post office & Courthouse
700 Grant Street, Suite 400
Pittsburgh, PA 15219

Respectfully Submitted
Pro-Se on 11-24-05
Ernesto Santiago

CA NO=04-335E

Return To Me
in S.A.S.E

11-24-05

Dear Clerk,

Please file the enclosed
motion: Notice of appeal, Notice of appeal as to
CMJSPB 11/16/05^s Ruling & Motion appealing 11-16-05
decision. Also please stamp file this and
return in self address stamped envelope enclosed.

Thank You, Sincerely,
Friedrich

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NOV 28 2005

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA